

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ewa Zajac	Team: Team # 6	CCRB Case #: 200303787	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/11/2003 1:06 AM	Location of Incident: E 38th Street and Lexington Avenue	Precinct: 14	18 Mo. SOL 11/11/2004	EO SOL 11/11/2004	
Date/Time CV Reported Sat, 05/17/2003 4:13 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/22/2003 3:18 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Bonner	24686	915329	MTS PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Radosta	25807	925954	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Bonner	Abuse: PO Joseph Bonner refused to provide his name and shield number to § 87(2)(b)	
B.POM Joseph Bonner	Force: PO Joseph Bonner used physical force against § 87(2)(b)	
C.POM Joseph Bonner	Abuse: PO Joseph Bonner threatened to arrest § 87(2)(b)	
D.POM Joseph Bonner	Discourtesy: PO Joseph Bonner spoke obscenely and rudely to § 87(2)(b)	

### Synopsis

At approximately 12:49AM on May 11, 2003, § 87(2)(b) called 911 to report that § 87(2)(b) was missing property. Officer Joseph Bonner and Officer Michael Radosta responded to 36<sup>th</sup> Street and 5<sup>th</sup> Avenue in Manhattan. § 87(2)(b) held a suspect, who was later identified as § 87(2)(b). PO Bonner interviewed § 87(2)(b) and § 87(2)(b) and prepared a complaint report. § 87(2)(b) was allowed to leave because there wasn't enough proof that he had taken § 87(2)(b)'s property. § 87(2)(b) alleged that PO Bonner pushed him and was discourteous.

§ 87(2)(b) was interviewed by the Internal Affairs Bureau investigators on May 17, 2003 and the case was referred to CCRB on that day. § 87(2)(g)

### Summary of Complaint

§ 87(2)(b) a § 87(2)(b) made his first statement regarding the incident when he called 911 at approximately 12:49AM on May 11, 2003 [Encl. 13a]. § 87(2)(b) requested that a supervisor respond to 36<sup>th</sup> Street and 5<sup>th</sup> Avenue in Manhattan. § 87(2)(b) reported that his friend was robbed (stolen jacket) and they had caught the person who stole the jacket. § 87(2)(b) told the operator that the "two cops that we have is mad prejudiced." § 87(2)(b) alleged that "the two cops that he was trying to get to help them were being very rude." § 87(2)(b) then requested again that a supervisor respond to the location. § 87(2)(b) stated that his friend was "being harassed by these cops" and the person that took his jacket was twice his friend's size and "was coming up with mad lies." § 87(2)(b) stated that his friend was on probation, which is why he called 911 because they couldn't get themselves into any trouble.

§ 87(2)(b) then explained to a supervisor over the phone that, "I asked two cops to help us with a situation, we was in a club and the club just got shut down by the cops. Well, one of my friend's coat got taken by a boy that we just caught, and I asked two officers to help us, and the officers were mad prejudiced against my friend." Upon questioning by the supervisor, § 87(2)(b) stated, "they [the officers] were just like, oh how do you know it's your coat? And I § 87(2)(b) was asking them for his badge number, and he was like get the fuck out of here, don't touch me, when I didn't even touch him or nothing. He was like what the fuck do you want my badge number for? Disrespecting me?" § 87(2)(b) asked that the supervisor respond to the scene because "the two cops just had the guy who took my friend's coat go in the cab and walk away." Upon questioning whether the officers were still on the scene, § 87(2)(b) stated that "the cops just drove away." § 87(2)(b) further stated, "they were like screaming and cursing at us and just drove away, like who gives a shit." The supervisor asked whether § 87(2)(b) knew who these officers were. § 87(2)(b) responded that his friend has their badge numbers. The supervisor advised § 87(2)(b) that what he could do was file a report with the CCRB. § 87(2)(b) stated that he understood and asked what that was going to do for getting back his friend's coat. § 87(2)(b) sounded agitated and excited during the conversation). Again, § 87(2)(b) requested that a supervisor respond. The supervisor stated that she would send someone back out there. The 911 operator then told § 87(2)(b) that she would send officers out. § 87(2)(b) requested that the officers hurry because there was "only the two of us and they just pulled up with another car full of boys and we can't fight cause my friend is on probation."

§ 87(2)(b) was interviewed on July 16, 2003 at the CCRB [Encl. 7a-c].

On May 10, 2003, § 87(2)(b) and his friend, § 87(2)(b) went to a party on East 38<sup>th</sup> Street between 5<sup>th</sup> Avenue and Madison Avenue. § 87(2)(b) was not sure of what the name of the place was, but stated that it was a Pizzeria that someone had rented out for her sweet sixteen party. § 87(2)(b) did not know the individual that was hosting the party. They got to the party at approximately 9:30PM. § 87(2)(b) and § 87(2)(b) placed their jackets in the left corner of the location, next to the bar, while they danced. Other people also had left their jackets there.

At approximately 12:30AM, the pizzeria was raided by police officers. There were a lot of officers, all dressed in uniforms, with dogs coming into the pizzeria. § 87(2)(b) stated that he thought that he place was raided because people were drinking at the party. § 87(2)(b) and § 87(2)(b) were not drinking. § 87(2)(b) and § 87(2)(b) went to get their jackets so that they could leave; however, § 87(2)(b)'s jacket was missing. § 87(2)(b) described the jacket as white, red and blue NBA jacket with a large NBA logo on the back [rectangular in shape with a basketball player inside]. § 87(2)(b) and § 87(2)(b) went outside to look for the jacket. They walked around for a half-hour and finally noticed an unknown individual (later identified as § 87(2)(b) § 87(2)(b) wearing § 87(2)(b)'s jacket walking a block away at 37<sup>th</sup> Street and Madison Avenue. § 87(2)(b) had seen § 87(2)(b) earlier at the party, but did not know him. § 87(2)(b) and § 87(2)(b) approached § 87(2)(b) and requested that he take off the jacket, however, § 87(2)(b) refused. § 87(2)(b) was with five other friends.

§ 87(2)(b) observed a police officer standing outside the pizzeria and writing out a ticket. § 87(2)(b) approached PO1 [described as white or light skin Hispanic male, with dark hair and dressed in uniform] and requested his assistance. PO1 told § 87(2)(b) that he was busy and to please ask any other officer to help him. (no allegations against PO1) § 87(2)(b) approached two other officers. PO Bonner (identified by § 87(2)(b) after the officer gave him his badge number and name) and PO Radosta (identified through investigation) were coming out of the pizzeria and were walking toward a marked police vehicle. PO Bonner was getting into the driver's seat and PO Radosta was getting into the passenger's seat of the police car. § 87(2)(b) explained to the officers that his friend's jacket was missing and that they had found the individual that took it. PO Bonner told § 87(2)(b) that he didn't care and to go ask somebody else for help. § 87(2)(b) pleaded with the officer to help him and told him that § 87(2)(b) was on probation and he did not want him to get in trouble. Eventually, PO Bonner agreed to help them and told § 87(2)(b) that he would meet him around the corner. PO Bonner and PO Radosta got into their vehicle and drove away. § 87(2)(b) walked to 37<sup>th</sup> Street and Madison Avenue, where § 87(2)(b) was holding § 87(2)(b) against the wall. § 87(2)(b) was still wearing § 87(2)(b)'s jacket.

PO Bonner and PO Radosta came to the location and questioned § 87(2)(b) and the § 87(2)(b) about the jacket. § 87(2)(b) gave a detailed description of the jacket, however, § 87(2)(b) maintained that the jacket was his and that he had bought it with his college money. § 87(2)(b) took off the jacket and PO Bonner inspected it. PO Bonner took some pens out of the inside pocket of the jacket, threw them on the ground and stated, "I don't give a fuck." PO Bonner told § 87(2)(b) that the jacket was twice his size and that it couldn't be his. § 87(2)(b) asked PO Bonner to have a supervisor respond to the scene. § 87(2)(b) also asked the officer for his shield number. At that time, § 87(2)(b) stood approximately three feet away from the officer facing him. In response, PO Bonner pushed § 87(2)(b) on his chest with both of his hands and stated, "don't touch me, I could arrest you for assaulting a police officer." § 87(2)(b) moved back slightly as a result of the push. PO Bonner did not give § 87(2)(b) his badge number. § 87(2)(b) stated that he did not touch the officer at any time and did not do anything to him. PO Bonner then allowed § 87(2)(b) and his friends to leave the scene. PO Bonner and PO Radosta then got back in their vehicle and left the scene.

§ 87(2)(b) and § 87(2)(b) then chased after § 87(2)(b) and continued to request that he take the jacket off. § 87(2)(b) refused and § 87(2)(b) told him that he would fight him for the jacket around the corner. § 87(2)(b) and § 87(2)(b) went around the corner (on 5<sup>th</sup> Avenue between 36<sup>th</sup> and 37<sup>th</sup> Street) to fight for the jacket and § 87(2)(b) remained with the § 87(2)(b)'s friends. § 87(2)(b) then started to walk around the corner to see what was going on between § 87(2)(b) and § 87(2)(b) at which time he observed § 87(2)(b) arguing with § 87(2)(b). PO Bonner and PO Radosta were standing there with them. One officer was holding § 87(2)(b) against the wall, but § 87(2)(b) could not remember which officer it was. The officer held § 87(2)(b) with one arm, because § 87(2)(b) was trying to run after § 87(2)(b). The other officer [did not know which one] then walked § 87(2)(b) to a taxicab and let him leave. PO Bonner and PO Radosta then got back in their vehicle and left the scene.

§ 87(2)(b) then called 911 to file a complaint and to request that a supervisor to respond to the scene. § 87(2)(b) and § 87(2)(b) remained there with two of § 87(2)(b)'s friends. After a few minutes, an SUV vehicle drove up with more of § 87(2)(b)'s friends. § 87(2)(b) explained to those people what had happened. One person pulled out a .22 caliber pistol, at which time § 87(2)(b) told them to

forget it. The two friends got into the SUV and the people drove away. At that time, PO Bonner and PO Radosta responded to the scene again and this time they were trying to be nice to § 87(2)(b) however, he refused to talk to them. PO Bonner then gave § 87(2)(b) his badge number and his name.

Note: § 87(2)(b) is a white male, approximately 5'2", 130lbs, was dressed in sneakers, jeans, white T-shirt, white bandana, white and blue hat. § 87(2)(b) is white male, approximately 6' 2", 180lbs, was dressed in white and red varsity jacket, jeans, sneakers, white T-shirt, white bandana. § 87(2)(b) is a white male, approximately 6'5", 290lbs, was dressed in blue Yankees hat, jeans, white shirt.

§ 87(2)(b) gave a statement to the Internal Affairs Bureau on May 17, 2003 at § 87(2)(b) in Brooklyn [Encl. 6a-b]. § 87(2)(b) was at a party at a private catering hall, located on 35<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenue. § 87(2)(b) was not sure of the date of the incident or on what day of the week it took place. At approximately 1:00AM, police showed up at the party and broke it up. As § 87(2)(b) was leaving the party, he noticed that his jacket was missing, which was described as a white NBA jacket. § 87(2)(b) saw PO Bonner and his partner on the scene and told them about his missing property (the officers were identified later when they gave § 87(2)(b) their names and shield numbers). PO Bonner told § 87(2)(b) to move along, which he did. As he was walking around the area, § 87(2)(b) noticed a male (described as white, approximately 6' 2") wearing his jacket. § 87(2)(b) was with his friend § 87(2)(b) who called 911. The same two officers responded to the call. § 87(2)(b) informed PO Bonner that the person that had his jacket was across the street. PO Bonner spoke to the person wearing the jacket (later identified as § 87(2)(b) § 87(2)(b) and then let him leave in a cab. When § 87(2)(b) told PO Bonner that he couldn't just let § 87(2)(b) leave with his jacket, PO Bonner told § 87(2)(b) to "shut the fuck up." PO Bonner told § 87(2)(b) that the jacket was not his size and that it fit § 87(2)(b) § 87(2)(b) told IAB investigators that the jacket was in fact his § 87(2)(b)'s size. PO Bonner told § 87(2)(b) that there was no proof and there was nothing he could do. § 87(2)(b) told PO Bonner that he wanted § 87(2)(b) arrested. § 87(2)(b) told PO Bonner that he didn't know what he was doing and in response, PO Bonner stated, "don't fucking tell me about my fucking job, get the fuck out of here." § 87(2)(b) stated that PO Bonner pushed him on the shoulder in a manner to move him along and told him to leave. § 87(2)(b) sustained no injuries or pain. § 87(2)(b) stated that the jacket was valued at \$120 and that the officer did not take down any information or prepare a report.

§ 87(2)(b) was uncooperative with the CCRB and did not provide a statement.

### **Results of Investigation**

#### ***Witnesses***

§ 87(2)(b) § 87(2)(b) was deemed uncooperative in the CCRB investigative process. § 87(2)(b)'s mother stated that § 87(2)(b) had received the investigator's letters, however, did not know about the incident and would not cooperate in the investigation. § 87(2)(b) stated that someone else must have given § 87(2)(b) name and contact information for the Complaint Report prepared at the time of the incident. § 87(2)(b) refused to allow the investigator to speak to § 87(2)(b) and stated that the investigative steps taken to contact him were an "invasion of her privacy."

#### ***Police Officer Statements***

**Police Officer Joseph Bonner**, shield number 24686 assigned to the Midtown South Precinct, was interviewed on July 28, 2003 at the CCRB [Encl. 9a-c]. On May 11, 2003, PO Bonner worked from 11:15PM till 7:50AM and was assigned to sector A/B with PO Michael Radosta. The officers were dressed in uniforms and were assigned to a marked vehicle number 4489. PO Bonner had entries in his memo book indicating that at 12:33AM, he was at 35<sup>th</sup> Street and Madison Avenue, where a complainant stated that "person had his jacket" that was of triple extra large size and that it was stolen [Encl. 8a-c]. The next statement in the memo book is from the person wearing the jacket, which was "it's my jacket, I bought it for my graduation, I had it in my backpack and I put it on outside the club." At 12:40AM, PO Bonner prepared a complaint report (10-93C). At 1:00AM, PO Bonner was at 36<sup>th</sup> Street and 5<sup>th</sup> Avenue with the

same complainant. At 1:08AM, PO Bonner responded back to 36<sup>th</sup> Street and 5<sup>th</sup> Avenue. At 1:09AM, PO Bonner completed the report.

At approximately 12:30AM, PO Bonner and his partner were outside a club (located at 5 East 38<sup>th</sup> Street) that was rented out for a birthday party. The officers, along with other units were on the scene to disperse the crowd that was behaving disorderly. PO Bonner was preparing to get into his vehicle and resume patrol, when he was approached by an individual (identified through investigation as § 87(2)(b) and described by PO Bonner as a white male, approximately 5'9" with reddish short hair, dressed in jeans and regular-type clothing). § 87(2)(b) told PO Bonner that his friend § 87(2)(b) described as 5'2", 120lbs, dark hair, slim build) was having a problem down the street. § 87(2)(b) told PO Bonner that § 87(2)(b) was on probation and did not want to get into trouble, but that someone stole his jacket. § 87(2)(b) wasn't sure of the exact location of where § 87(2)(b) was. PO Bonner told § 87(2)(b) to walk back to where his friend was and that the officers would conduct a canvas and find them. PO Bonner and PO Radosta then got into their vehicle and drove away. PO Bonner drove around the area looking for § 87(2)(b) and § 87(2)(b). There were a few hundred people in the area that were leaving the party, so PO Bonner had to drive around for a while before he found § 87(2)(b).

PO Bonner found § 87(2)(b) and § 87(2)(b) on 35<sup>th</sup> Street and Madison Avenue. Upon arrival, PO Bonner observed § 87(2)(b) holding onto the sleeve of a white jacket of another large male that was wearing it. The male wearing the jacket was later identified as § 87(2)(b). § 87(2)(b) was also on the scene with two other unidentified males. PO Bonner instructed § 87(2)(b) to let go of the jacket and tell him what happened. § 87(2)(b) told PO Bonner that the jacket § 87(2)(b) was wearing was § 87(2)(b)'s jacket. PO Bonner asked § 87(2)(b) about the circumstances of how he lost his jacket. § 87(2)(b) explained to PO Bonner that he had put the jacket down inside the club and was dancing. When he went back to look for it, the jacket was missing. PO Bonner asked § 87(2)(b) whether he saw § 87(2)(b) take the jacket and § 87(2)(b) responded that he did not see him take it. PO Bonner then spoke to § 87(2)(b). § 87(2)(b) told PO Bonner that it was his jacket and that he bought it as a gift to himself for his graduation from high school. § 87(2)(b) told PO Bonner that he had the jacket inside his friend's backpack when he was at the club and that he put it on after he left the club. PO Bonner then spoke to § 87(2)(b) again and questioned him about whether there were any identifying marks on the jacket. § 87(2)(b) told PO Bonner that there was a pen inside a pocket of the jacket. PO Bonner searched the jacket pockets and did not find any pens. There was only some tissue paper inside the pocket. PO Bonner did not throw any pens on the ground and say, "I don't give a fuck." PO Bonner asked whether § 87(2)(b) had made any markings on the jacket, such as writing his name on the tag, but § 87(2)(b) stated that he did not. There were no other identifying marks on the jacket.

Also, § 87(2)(b) was approximately 5'2" and 120lbs. § 87(2)(b) was approximately 6'3" tall and 330lbs. PO Bonner told § 87(2)(b) that the jacket fit the other individual and would be huge on § 87(2)(b) who based on the officers' observation would have fit into a medium or small size jacket. § 87(2)(b) replied that he liked to wear his jackets big. PO Bonner asked § 87(2)(b) whether he knew the exact size of the jacket in question and § 87(2)(b) did not know that information. PO Bonner explained to § 87(2)(b) that this was a common jacket (white with a large NBA symbol on the back) that a lot of people wore. Since there were no markings on it that separated this jacket from others, the only thing PO Bonner could do was to take a report. § 87(2)(b) and § 87(2)(b) became very agitated and wanted § 87(2)(b) arrested. PO Bonner explained to § 87(2)(b) and § 87(2)(b) that he had no basis for arresting § 87(2)(b) because they did not observe him take the jacket and it could not be concluded that the jacket belonged to § 87(2)(b). § 87(2)(b) then told PO Bonner that when he § 87(2)(b) was arrested for robbery previously, the officers just handcuffed him after someone had identified him. PO Bonner told § 87(2)(b) that he would not have a problem arresting § 87(2)(b) if § 87(2)(b) could tell him about something specific that identified his jacket. § 87(2)(b) and § 87(2)(b) were agitated and cursing and told PO Bonner that he just did not want to make an arrest.

PO Bonner then talked to § 87(2)(b) and took his personal information for the report. PO Radosta wrote down information pertaining to the complaint for § 87(2)(b) and PO Bonner told § 87(2)(b) and § 87(2)(b) to leave and not follow the other individuals. § 87(2)(b) and § 87(2)(b) were telling

PO Bonner that he wasn't doing his job and § 87(2)(b) requested PO Bonner's name and shield number. PO Bonner stated that he held out his shield, told § 87(2)(b) that his name was Bonner and told him his shield number. § 87(2)(b) also asked what command the officers were from and PO Bonner told him that they were from the Midtown South Precinct. § 87(2)(b) remained agitated and took a step toward PO Bonner. PO Bonner put his hand out in front of him and told § 87(2)(b) to just stand back. PO Bonner stated that he did not have any physical contact with § 87(2)(b) and did not push him at any time. PO Bonner also did not tell § 87(2)(b) that he would be arrested for assaulting a police officer. PO Bonner stated that § 87(2)(b) did not touch him or assault him at any time and there was no reason to arrest him for an assault. PO Bonner stated that he also did not assault or touch § 87(2)(b). PO Radosta then wrote the telephone number to the precinct and his own identifying information and gave it to § 87(2)(b) so that he could obtain the complaint report from the precinct at a later time. PO Bonner and PO Radosta then resumed patrol.

The officers were driving around the area, when a few minutes later, PO Bonner noticed that § 87(2)(b) again had stopped § 87(2)(b) in the vicinity of 36<sup>th</sup> Street and 5<sup>th</sup> Avenue. § 87(2)(b) was also on the scene. PO Bonner approached the individuals and spoke to them again. PO Bonner told § 87(2)(b) that he had already prepared a report and that he could obtain the complaint number later at the precinct, but in the mean time, he could not follow the other individual. PO Bonner told § 87(2)(b) and § 87(2)(b) that if they continued following the other individuals, there would be a problem. PO Bonner did not threaten to arrest them at any time. § 87(2)(b) was complaining that the individual was wearing his jacket and that the officers did not want to do anything about it. PO Bonner then asked § 87(2)(b) about his destination and § 87(2)(b) replied that they were taking the subway home. PO Bonner told § 87(2)(b) to take a taxi home. PO Bonner then hailed a taxi for the individuals and allowed them to leave. § 87(2)(b) and § 87(2)(b) were not happy and wanted § 87(2)(b) arrested. Again, PO Bonner explained to § 87(2)(b) and § 87(2)(b) why he could not make an arrest in this situation. PO Bonner and PO Radosta then left the scene.

A few minutes later, PO Bonner received a radio transmission that a call was made to 911 from the same location. PO Bonner returned to the location, where he again spoke with § 87(2)(b) and § 87(2)(b). PO Bonner told § 87(2)(b) and § 87(2)(b) that a report was already prepared.

PO Bonner stated that he had no grounds for arresting § 87(2)(b) because § 87(2)(b) never told him that he observed this person take the jacket. § 87(2)(b) only told the officers that "someone" had taken his jacket. PO Bonner stated that this type of jacket is very common and he has seen many people wearing it.

**Police Officer Michael Radosta**, shield number 25807 assigned to the 14<sup>th</sup> Precinct, was interviewed on August 19, 2003 at the CCRB [Encl. 12a-b]. On May 11, 2003, PO Radosta worked from midnight until 8:00AM and was assigned to sector A/B with PO Bonner. PO Radosta was dressed in a uniform and was assigned to a marked vehicle, number 4489. PO Radosta did not have any entries in his memo book in regard to the incident.

At approximately 1:00AM on May 11, 2003, PO Radosta and his partner were assisting other officers in dispersing a crowd from a party that had been broken up because of underage drinking. PO Radosta and PO Bonner were approached by an individual that told them that his jacket was missing and requested their assistance. The officers told the individual to give them a few minutes to finish what they were doing and then they would canvas the area and assist him. A few minutes later, PO Radosta and PO Bonner drove around the block and encountered the same individual, who was holding another male by his arm. The officers approached the two individuals and inquired about what was going on. § 87(2)(b) § 87(2)(b) (described as a large male, approximately 6' tall, 270lbs, wide built) was wearing a NBA jacket. § 87(2)(b) (described as a smaller male, approximately 5'6" tall, 170lbs) was holding him by the arm and did not allow him to leave. § 87(2)(b) told the officers that the jacket that § 87(2)(b) was wearing was his § 87(2)(b) s). PO Bonner questioned both individuals in regard to the jacket. The complainant told the officers that he did not see § 87(2)(b) take it, but knew that the jacket was his. The complainant was not able to provide any detailed description of the jacket that would identify it as his. PO Radosta stated that the jacket was a triple extra large size and it was clear that it fit § 87(2)(b) and would "look

ridiculous” on § 87(2)(b) (it would be too big). PO Bonner told the complainant that all the officers could do in this case was write up a report. The complainant was not satisfied with that outcome and wanted § 87(2)(b) arrested. The officers explained over and over again to § 87(2)(b) that they could not arrest § 87(2)(b) because they had not observed him take the jacket and neither did the complainant. PO Radosta stated that throughout the interaction, PO Bonner acted in a business-like professional manner. PO Bonner did not curse at any time and did not throw any pens down stating “I don’t give a fuck.” PO Bonner also did not push the complainant or anyone else present at any time. There simply was no reason to do so. PO Bonner also did not tell anyone that they would be arrested for assaulting an officer. After repeatedly explaining to § 87(2)(b) why the other individual would not be arrested, PO Radosta gave the complainant an incident slip, which had PO Radosta’s name, the precinct phone number and the address of the precinct. PO Radosta stated that § 87(2)(b) never asked for this information, however, it is something the officers always give out when they prepare a compliant report. PO Radosta did not hear the complainant or anyone else ask PO Bonner or himself for their names or shield numbers.

Upon preparing the complaint report, PO Radosta and PO Bonner left the scene. There was a 911 call made a few minutes later in regard to the same complaint (missing property). PO Bonner and PO Radosta came back and again explained to the complainant why the other individual would not be arrested.

### ***Police Department Documents***

**Communication Division** (Sprint job no. § 87(2)(b) records contain a 911 call made by § 87(2)(b) at the time of the alleged incident. § 87(2)(b) requested that a supervisor respond to the scene because the officers that were on the scene were “prejudiced” and did not provide them assistance. Following § 87(2)(b)’s call, a radio transmission was put over the radio in regard to the complaint. Sector A transmitted that a report was already prepared for that job. The dispatcher called Sector A on the air. The first transmission from Sector A was broken up in inaudible. Sector A repeated a 10-93C, “we spoke to the complainant, we made a report.” The dispatcher stated that the male complainant was calling back and wanted to make a complaint about a male black who stole his jacket. Sector A transmitted that they would respond back. Sector A then transmitted that the same disposition stood as from before, 10-93C. Sector A resumed patrol and responded to other jobs [Encl. 13a-c].

**Complaint Report** (UF 61 no. § 87(2)(b) indicates that at approximately 12:07AM on May 11, 2003, complainant, identified as § 87(2)(b) reported that he placed his jacket inside a restaurant and an unknown person removed his property without permission or authority. § 87(2)(b) stopped a suspect, identified as § 87(2)(b) § 87(2)(b) at the corner of 36<sup>th</sup> Street and Madison Avenue. Officer Bonner interviewed the suspect that was stopped. § 87(2)(b) stated that the property was his and that his two friends had observed him with the jacket earlier. Both friends agreed. When asked whether § 87(2)(b) observed § 87(2)(b) removing his property, § 87(2)(b) stated that he did not. The jacket was size XXXL, which fir the person stopped § 87(2)(b) § 87(2)(b) was approximately 6’ 5” and 330lbs. § 87(2)(b) § 87(2)(b) was approximately 5’ 2” and 120lbs. Since the complainant did not observe the theft, the person was sent on his way. The missing property was described as a white NBA jacket, in value of \$80.00 [Encl. 14a-g].

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

**Subject Officer CCRB History:** PO Bonner does not have any substantiated CCRB allegations [Encl. 2a-b].

### **Conclusions and Recommendations**

#### ***Undisputed Facts***

At 12:49AM on May 11, 2003, § 87(2)(b) called 911 and reported that § 87(2)(b) was missing property. PO Bonner and PO Radosta responded to 36<sup>th</sup> Street and 5<sup>th</sup> Avenue, where they encountered § 87(2)(b) and two other unidentified males. § 87(2)(b) was wearing a jacket that § 87(2)(b) alleged was his. PO Bonner interviewed § 87(2)(b) and § 87(2)(b). § 87(2)(b) told PO Bonner that he did not observe § 87(2)(b) take the jacket and § 87(2)(b) claimed that the jacket was his property. § 87(2)(b) requested that § 87(2)(b) be arrested, however, PO Bonner determined that there was not enough evidence that § 87(2)(b) had taken § 87(2)(b)'s property, therefore, § 87(2)(b) was allowed to leave. PO Bonner prepared a complaint report.

#### *Officer Identification*

During his CCRB interview, § 87(2)(b) identified PO Bonner as the subject officer. § 87(2)(b) had obtained PO Bonner's name and shield number at the time of the incident. § 87(2)(b) distinguished between PO Bonner and his partner according to their physical descriptions. PO Bonner fit the physical description of the subject officer and his name was also on the complaint report that was prepared in regard to the incident. § 87(2)(b) made no allegations against PO Radosta.

§ 87(2)(g)

#### *Credibility Assessment*

§ 87(2)(g)

§ 87(2)(g)

**Allegation A.** PO Joseph Bonner refused to provide his name and shield number to § 87(2)(b)

**Allegation B.** PO Joseph Bonner used physical force against § 87(2)(b)

**Allegation C.** PO Joseph Bonner threatened to arrest § 87(2)(b)

**Allegation D.** PO Joseph Bonner spoke obscenely and rudely to § 87(2)(b)



§ 87(2)(b) alleged that PO Bonner refused to provide his name and shield number. However, at the time of his CCRB interview, § 87(2)(b) identified the subject officer by name, which he had obtained at the time of the incident. According to § 87(2)(b) PO Bonner first refused to give him the name and shield number, after which § 87(2)(b) called 911. When PO Bonner responded to the call, he then tried to give § 87(2)(b) his name and shield number, but § 87(2)(b) refused to talk to the officer. § 87(2)(g) The Communication Division recording of § 87(2)(b)'s 911 call indicates that § 87(2)(b) had both of the officers' badge numbers at the time of the call. In the recorded call, § 87(2)(b) stated, "my friend has their badge numbers" in response to a supervisor's inquiry whether § 87(2)(b) knew who the subject officers were.

§ 87(2)(g) . Patrol Guide Procedure 203-09 instructs officers to "courteously and clearly state your rank, name, shield number and command" and "allow the person ample time to note this information" [Encl. 1] § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: